

No. 10,187

IN THE  
**United States Circuit Court of Appeals**  
For the Ninth Circuit 10

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JULIA C. COLLINS and HATTIE L. MOSHER,  
*Appellants,*

VS.

JOE O'CONNELL and JESSIE B. O'CONNELL  
(husband and wife),  
*Appellees.*

**APPELLANTS' PETITION FOR A REHEARING.**

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PLATT, HENDERSON, WARNER & CRAM,  
Porter Building, Portland, Oregon,  
*Attorneys for Appellants  
and Petitioners.*

THOMAS O. MARLAR,  
313 North Center Street, Phoenix, Arizona,  
*Of Counsel.*

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*To the Honorable Curtis D. Wilbur, Presiding Judge, and to the Associate Judges of the United States Circuit Court of Appeals for the Ninth Circuit:*

The appellants respectfully request a rehearing in the above entitled cause on the reasons and conditions hereinafter set forth:

1. The record shows, and the Opinion of this Honorable Court indicates, that the appellees not only had constructive notice, but actual notice of the mortgage against Hattie L. Mosher.

2. The record shows that the appellees were fully aware of the power of attorney held by the appellant, Hattie L. Mosher, and of her interest in the property.

3. It was a matter of record that one of appellants was a minor—no guardian, nor guardian ad litem was appointed. (T. of R. page 15.)

4. No suit to quiet title could be had until a proper representation of a guardian having been appointed for this minor hence all proceedings in this matter are void.

5. A rehearing should be granted for other errors of commission and of omission all apparent on the face of the record.

Dated, June 23, 1943.

Respectfully submitted,

PLATT, HENDERSON, WARNER & CRAM,  
*Attorneys for Appellants  
and Petitioners.*

THOMAS O. MARLAR,  
*Of Counsel.*